
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

MARK O.,

Plaintiff,

v.

KILOLO KIJAKAZI,

Defendant.

**ORDER AFFIRMING & ADOPTING
REPORT & RECOMMENDATION**

Case No. 1:22-CV-173-DAK-DAO

Judge Dale A. Kimball

Magistrate Judge Daphne A. Oberg

This case was assigned to United States District Court Judge Dale A. Kimball, who then referred the case to United States Magistrate Judge Daphne A. Oberg under 28 U.S.C. § 636(b)(1)(B). On November 14, 2023, Magistrate Judge Oberg issued a Report and Recommendation [ECF No. 14], recommending that Defendant's Motion for Summary Judgment [ECF No. 11] be denied. The Report and Recommendation notified Plaintiff that any objection to the Report and Recommendation must be filed within fourteen days of receiving it. As of the date of this Order, Defendant has not submitted an objection and the deadline for submitting an objection has passed.

A Magistrate Judge's Report and Recommendation is subject to *de novo* review by this court. *See* 28 U.S.C. § 636(b)(1)(B); *see also* Fed. R. Civ. P. 72(b). The court has reviewed the Report and Recommendation and the record *de novo* and agrees with Magistrate Judge Oberg's recommendation. Plaintiff has made a sufficient showing that this action was timely filed. Therefore, the court adopts and affirms Magistrate Judge Oberg's Report and Recommendation

in its entirety. Accordingly, Defendant's Motion for Summary Judgment [ECF No. 11] is denied.

DATED this 4th day of January 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Dale A. Kimball", written over a horizontal line.

DALE A. KIMBALL
United States District Judge